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LASTRA, DANIEL	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/808,475	FABER ET AL.	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-14,16-20,22-29 and 31-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-14,16-20,22-29 and 31-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *04/18/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-5, 7-14, 16-20, 22-29 and 31-45 have been examined. Application 09/808,475 (APPARATUS AND METHOD FOR RECRUITING, COMMUNICATING WITH, AND PAYING PARTICIPANTS OF INTERACTIVE ADVERTISING) has a filing date 03/13/2001.

Response to Amendment

2. In response to Final Rejection filed 03/21/2007, the Applicant filed an RCE on 04/13/2007, which amended claims 1, 2, 8, 9, 10, 13, 14, 16-20, 23-29, 31-33 and 35-45.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, 8, 16-20, 22, 23, 31-35 and 38-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Lauffer (US 6,223,165).

As per claims 1, 16 and 31, Lauffer teaches:

A method comprising:

providing a list of advertisements to be displayed, wherein one or more of the advertisement comprise a link to be selected by a user to conduct a real time

communication between the user and an advertiser (see col 10, lines 1-17), *compensate the user to conduct the real-time communication with the advertiser* (see col 8, lines 50-67; "paying or rebate a portion of the consumer charge") *and an indicia of whether the advertiser is currently available for real-time communication with the user* (see col 7, lines 40-55; col 10, lines 1-20);

receiving, from one or more users, a *selection of the* link from *list of advertisements* (see col 10, lines 1-20);

responsive to the *selection of* the link (see col 10, lines 1-20);

establishing a *connection* for real time communications between the one or more users and the advertiser (see column 47, lines 4-30) and

compensating the one or more users based on the rate and duration of the real time communications between the one or more users and *the advertiser* (see col 8, lines 49-55). It can be construed that consumers are compensated for the duration of the real time communication between said consumer and the advertiser based on a rate as Lauffer teaches compensating consumers with portion of said consumers charges, where said consumers charges are calculated on flat per hour, per-minute or per-session rate.

As per claims 2, 17 and 33, Lauffer teaches:

The method of claim 1, further comprising:

receiving a request from an advertiser to establish an interactive advertising link (see column 6, lines 60-67); and

placing a link for an interactive advertisement among the *advertisements* (see column 6, lines 60-67).

As per claims 3, 18 and 34, Lauffer teaches:

The method of claim 2, further comprising:

generating a record in an advertiser database, the record including advertiser information contained in the request, wherein the advertiser information includes one or more of a compensation price, real-time advertiser availability, specific type of the advertisement, languages spoken by the advertiser and additional compensation incentives (see col 5, lines 40-55; col 10, lines 1-15).

As per claims 4 and 19, Lauffer teaches:

The method of claim 1, wherein the compensating the one or more users further comprises: billing the advertiser a billing amount for each interaction with the one or more users and transferring the billing amount to the one or more users (see col 8, lines 15-25; col 8, lines 50-55).

As per claims 5 and 20, Lauffer teaches:

The method of claim 4, wherein the billing the advertiser further comprises: measuring a duration of the interaction between the one or more users and the advertiser and calculating the billing amount for the advertiser based on the duration of the interaction and a time-based price paid by the advertiser (see col 8, lines 15-25).

As per claims 7 and 22, Lauffer teaches:

The method of claim 1, wherein each selection from a user includes one or more of a category of advertisers, an advertiser payment price, advertiser type and advertisement (see column 5, lines 40-60).

As per claims 8, 23 and 32, Lauffer teaches:

The method of claim 1, wherein

selections from the one or more users, the method further comprises:

receiving a request from a user for connection to an interactive advertisement system via a communications link (see column 10, lines 1-20);

establishing a connection between the user and the interactive advertisement system in order to provide the user with an interaction with a chosen advertiser, and providing the user with a list of multiple advertisement types available from the interactive advertisement system (see col 10, lines 1-20).

As per claims 35 and 38 Lauffer teaches:

The method of claim 31, wherein the *connection* comprises a telephone *connection* between the user and the advertiser of the selected link (see column 10, lines 1-20).

As per claim 39, Lauffer teaches:

The system of claim 31, further comprising:

a banner advertisement link *module* to generate an interactive advertisement link as a banner advertisement *in a web page* (see col 10, lines 1-20).

As per claim 40, Lauffer teaches:

The system of claim 31, further comprising: a banner advertisement link *module* to generate an interactive advertisement link as a banner advertisement *in a web page returned from* a search engine web site (see col 5, lines 35-60).

As per claim 41, Lauffer teaches:

The method of claim 1, wherein the *selection of the link comprises a selection of a link to an interactive poll* and wherein a user selecting the poll is compensated for providing a response to the poll (see column 8, lines 45-55).

As per claim 42, Lauffer teaches:

The method of claim 1, *wherein the providing the list of advertisements comprises* providing a web page including one or more interactive advertising links to receive the selection (see col 10, lines 1-20).

As per claim 43, Lauffer teaches:

The method of claim 42, wherein the *connection for real time communications between the one or more users and the advertiser* is separate from a communication link used in the providing of the web page (see col 10, lines 1-20).

As per claim 44, Lauffer teaches:

The method of claim 1, wherein the establishing of the *connection* comprises: conferencing together a first real-time communication link established to the one or more users and a second real-time communication link established to the advertiser (see col 8, lines 55-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9, 10, 24, 25 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lauffer (US 6,223,165) in view of Kolls (US 6,807,532).

As per claims 9, 24 and 37, Lauffer fails to teach:

The method of claim 1, *wherein the selection of the link comprises the selection of an interactive seminar link to a selected interactive seminar, the establishing of the connection further comprises:*

establishing a real-time video communications link between the one or more users and an advertiser of the selected interactive seminar; providing additional incentive-based links to the one or more users to provide additional feedback; and enabling the one or more users to purchase one or more items advertised by the interactive seminar. However, Kolls teaches a phone-based e-commerce system that allows users to respond to advertisements displayed in the system and based upon said user response said system connects said users to a sales representative where said users can orders products (see Kolls column 47, lines 1-55). Graham teaches that it is old and well known in the computer art to connect multiple users to online seminars via the Internet (see Graham col 14, lines 40-65). Therefore, it would have Lauffer would use the system taught by Graham in order to give user access to online seminars and

would allow said user to order products when connecting with said online sessions, as taught by Knolls in order that advertisers would have an incentive to compensate users for communicating with said advertisers.

As per claims 10 and 25, Lauffer teaches:

The method of claim 1, further comprising: providing additional incentive-based links to the one or more users to provide additional feedback (see column 8, lines 47-55); but fails to teach and enabling the user to purchase one or more items advertised by the selected link (see column 47, lines 5-30). However, Kolls teaches a phone-based e-commerce system that allows users to respond to advertisements displayed in the system and based upon said user response, said system connects said users to a sales representative where said users can orders products (see Kolls column 47, lines 1-55). Therefore, it would have Lauffer would allow users to order products when interacting with advertisers real time, as taught by Knolls in order that advertisers would have an incentive to compensate users for communicating with said advertisers.

5. Claims 11-13, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lauffer (US 6,223,165) in view of Walker (US 6,216,111).

As per claims 11 and 26 Lauffer fails to teach:

The method of claim 1, wherein the compensating the one or more users further comprises:

enabling a user to purchase an advertised product with limited availability, such that the user is compensated by having the ability to purchase the advertised product. However, Walker teaches a system where advertisers compensate users for listening to

advertisers' sale presentations and purchase products from said advertisers (see Walker column 6, lines 25-40; column 7, lines 55-60). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Lauffer would compensate users for listening to sales presentations, as taught by Walker in order to allow said users to interact with advertisers and being compensated for said interaction.

As per claims 12 and 27, Lauffer fails to teach:

The method of claim 11, further comprising:

charging the user a predetermined amount such that the user is compensated by having the ability to purchase the advertised product and transferring the predetermined amount to the advertiser. However, Walker teaches a system where advertisers compensate users for listening to advertisers' sale presentations and purchase products from said advertisers (see Walker column 6, lines 25-40; column 7, lines 55-60). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Lauffer would compensate users for listening to sales presentations, as taught by Walker in order to allow said users to interact with advertisers and being compensated for said interaction.

As per claim 13, Lauffer teaches:

The method of claim 11, wherein the *connection* comprises a telephone *connection* between the user and the advertiser of the selected link (see column 10, lines 1-20).

6. Claims 14 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lauffer (US 6,223,165) in view of Graham (US 6,732,183).

As per claims 14 and 29 Lauffer fails to teach:

The method of claim 1, further comprising: *response to* receiving, from an advertiser interface, a request to activate an interactive seminar, *advertised by one of the advertisements,* activating the seminar, *to allow* one or more users to select and participate in the interactive seminar. However, Graham teaches that it is old and well known in the computer art to connect multiple users to online seminars via the Internet (see Graham col 14, lines 40-65). Therefore, it would have Lauffer would the system taught by Graham in order to give user access to online seminars as it is old and well known to do so, as taught by Graham. Lauffer does not expressly teach *responsive to* receiving, from the advertiser interface, a request to de-activate the interactive seminar, de-activating the interactive seminar *to prevent* additional users *from participating* in the interactive seminar. However, Official Notice is taken that it is old and well known in the advertiser art to let people know when a telemarketer's seminar is no longer available. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Lauffer and Graham would de-active a seminar session that is no longer available and would let users know that said seminar is already closed, so said users do not waste their time trying to access a seminar that no longer exists.

7. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lauffer (US 6,223,165).

As per claim 36, Lauffer fails to teach:

The system of claim 31, further comprising:

a wireless communications network interface *coupled to the processor* to connect the user to the advertiser. However, Official Notice is taken that it is old and well known in the computer art to connect users to the Internet wirelessly. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Lauffer would allow user to connect to the Internet wirelessly as it is old and well known to do so.

8. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lauffer (US 6,223,165) in view of Katz (US 6,323,894).

As per claim 45, Lauffer fails to teach:

The method of claim 44, but fails to teach wherein the advertiser is concurrently connected to more than one user who selected the link. However, Katz teaches that the advent of video phones has enable users to visually communicate from remote locations where employees or customers in different places can take part in interactive training sessions or seminars with no loss of time for travel (see column 2, lines 5-20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Lauffer would allow users to participate in interactive seminars, as taught by Katz in order to allow said users to be compensated for attending said seminars via the Internet.

Response to Arguments

9. Applicant's arguments with respect to claims 1-5, 7-14, 16-20, 22-29 and 31-45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Marshall (US 2002/0116266) teaches a system for compensating users based upon the duration of the communication between users and advertisers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
June 6, 2007

Yehdega Retta

RETTA YEHDEGA
PRIMARY EXAMINER